<u>Amendments to the Drawings</u>

Please accept the attached replacement sheets of the drawings.

Remarks

Claims 1-10 remain pending in the application. By this Amendment, the specification, drawings and claims 9-10 have been amended. No new matter is believed added.

Entry of this Amendment is proper under 37 C.F.R. §1.116(b) because the Amendment: (a) places the application in condition for allowance as discussed below; (b) does not raise any new issues requiring further search and/or consideration; and (c) places the application in better form for appeal. Accordingly, Applicants respectfully request entry of this Amendment.

1.   Drawings

The Office Action cited numerous objections to the figures. Applicants herein amended Figures 2-3 and 5-6. (Please check the attached replacement sheets for details.) Accordingly, Applicants request withdrawal of the objections to Figures 2-3 and 5-6.

Applicants respectfully traverse the objections to Figures 1 and 4. Specifically, with respect to Figure 1, the Office asserts that "[no] reference characters appear in these drawings and the associated specification." (Office Action at page 3). (Inner citation omitted). Applicants submit that each block in Figure 1 is marked with characters, for example, XML-C and DM-D, and such characters are sufficient for an understanding of the claimed subject matter.

With respect to Figure 4, the Office asserts that "the steps discussed in the specification do not appear in the figure" (Office Action at page 3), because "specification at page 15 lines 4-26 clearly enumerates steps 4-1 through 4-8." (Id. at

page 17). Applicants respectfully traverse this assertion because Figure 4 of the current application is not used to show the enumerated steps 4-1 through 4-8. Instead, Figure 4 describes the composition (structure) of a binary fragment. (See page 19, line 25 to page 20, line 15 of the specification for detailed description of Figure 4.)

Accordingly, Applicants respectfully request withdrawal of the objections to Figures 1 and 4.

2.   Specification

In the Office Action, the specification is objected to because of: (a) the informality of the abstract; and (b) the use of "multiple terms." By this Amendment, the abstract has been amended. Applicants submit that the use of "multiple terms" does not make the disclosure difficult to understand because: (1) the specification, especially pages 4-5, provides definitions for those terms, and the use of those "multiple terms," for example, XML-schema and XML-instance, actually helps understanding the disclosure; and (2) Figure 3 has been amended to make it further easier to identify drawing elements. Accordingly, Applicants respectfully request withdrawal of the objections.

3.   Rejections of claims

By this Amendment, claims 9-10 have been amended to make them more statutory under 35 U.S.C. 101. Specifically, the amended claim 9 recites, *inter alia*, "[a] data transmission system, the data transmission system includes a signal[,]" which is statutory under 35 U.S.C. 101 as claiming a machine. Amended claim 10 recites, *inter alia*, "a computer useable medium[,]" which is statutory under 35 U.S.C. 101 as a

tangible embodiment. Accordingly, Applicants respectfully request withdrawal of the rejections.

In the Office Action, claims 9-10 are rejected under 35 USC 102(b) over Auffret et al., ("Audiovisual based Hypermedia Authoring: Using Structured Representations for Efficient Access to AV Documents", Hypertest '99, Darmstadt, Germany, Feb. 1999), hereinafter "Auffret"; claims 1, 3 and 5-8 are rejected under 35 USC 103(a) over Auffret in view of North et al., (SAMS Teach Yourself XML in 21 Days, Sam's Publishing, Indianapolis, IN, 1999), herein after "North"; claims 2 and 4 are rejected under 35 USC 103(a) over Auffret in view of North and further in view of Hu et al., ("Multimedia description Framework (MDF) for Content Description of Audio/Visual Documents", June 2, 1999), hereinafter "Hu."

Applicants respectfully traverse the 35 USC 103(a) rejections for the following reasons. "To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations." MPEP 706.02(j).

With regard to claim 1 (and similarly independent claims 3, 5 and 6), Applicants respectfully submit that the suggested combination of the cited prior references fails to teach or suggest each and every claimed feature. For instance, claim 1 recites "providing a *table* derived from said schema ...." (Emphasis added). The Office Action alleges that Auffret discloses this feature in Figures 7 and 11, as well as in the first paragraph on page

174. However, it is clear that these sections do not teach or suggest tables. Auffret only discloses "a representation framework for expressing the content of AV documents." (Auffret at page 172, left column). Auffret shows and describes AEDI graph structures, where an "AEDI description is a **graph** containing description objects." (See page 174, first paragraph, emphasis added.) The application described by Auffret provides "dynamic linking among elements of [a] database" in order to allow browsing of the database. (See page 176 relating to Figure 11.) That is, Auffret only discloses a data structure, which shares some marginal similarity with the hierarchical memory representation of a XML instance of the current invention. Auffret, however, is not concerned with transmission of data and encoding and decoding of a description element. As a consequence, Auffret simply provides no suggestion of providing a table to obtain "a sequence of the retrieved identification information" in order to encode a description element.

Moreover, Auffret clearly does not provide the step of encoding a description element as a fragment "comprising said content and a sequence of the retrieved identification information." The so-called structured representation in Auffret refers only to the tree-like data structure as discussed above and Auffret uses "structure encoding" only to indicate using "XML as an exchange format for AEDI descriptions." (See page 175.) Auffret mentions ontology, but discloses nothing further than that "[this] ontology would allow the explicit representation of indexing methodologies used by the community of AV archivers" and that "[this] ontology should also be able to represent the descriptors created during the production process[.]" (Auffret at page 176). The above disclosures of Auffret are still limited to data structure and representation of the

content in the structure and there is no teaching or suggestion of a fragment that includes a *sequence* of retrieved identification information. North does not overcome, *inter alia*, this deficiency of Auffret.

In addition, contrary to what is alleged in the Office Action, North fails to teach or suggest, *inter alia*, scanning a hierarchical memory representation of said instance from parent description elements to child description elements *until reaching the description element to be encoded*, and *retrieving the identification information of each scanned description element from said table*. North describes a general method for traversing node hierarchies. North, however, is not concerned with encoding, so it does not teach or suggest the feature of scanning until a description element to be encoded is reached, nor does it teach or suggest retrieving identification information from a table. Accordingly, because the combination of Auffret and North fails to teach or suggest each and every claimed feature, Applicants submit that claims 1, 3, and 5-8 are allowable.

With regard to claims 2 and 4, Hu fails to remedy the above-mentioned deficiencies. Accordingly, Applicant submits that these claims are allowable for the reasons stated above, as well as for their own additional features.

Applicants traverse the 35 USC 102(b) rejections to claims 9 and 10 for the reasons stated above, as they apply to claims 9 and 10. Namely, e.g., Auffret does not teach a table and/or a sequence of identification information as claimed in claims 9 and 10. Accordingly, Applicants submit that claims 9 and 10 are not anticipated by Auffret.
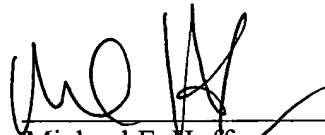
Applicants respectfully submit that the application is in condition for allowance. If the Examiner believes that anything further is necessary to place the application in condition for allowance, the Examiner is requested to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

Dated: 9/2/05

Michael F. Hoffman
Reg. No. 40,019

Hoffman, Warnick & D'Alessandro LLC
75 State Street, 14th Floor
Albany, New York 12207
(518) 449-0044
(518) 449-0047 (fax)